

memorandum

DATE: August 11, 1996

REPLY TO
ATTN OF: Office of Environmental Policy and Assistance(EH-413):Nakata:6-0801

SUBJECT: NATIONAL RESPONSE TEAM-- INTEGRATED CONTINGENCY PLAN GUIDANCE

TO: Distribution

PURPOSE The purpose of this memorandum is to inform Program Offices and Field Organizations of the availability of the National Response Team (NRT) Integrated Contingency Plan (ICP) guidance.

BACKGROUND

As the chair of the NRT, the Environmental Protection Agency (EPA) announced the availability of the subject guidance in a Federal Register notice dated June 5, 1996 (61 FR 28642). Subsequently, EPA published a Correction in the Federal Register (61 FR 31103), June 19, 1996. The guidance is intended to be used by facilities to prepare emergency response plans for releases of oil and non-radiological hazardous substances. NRT's intent is to provide a mechanism for consolidating multiple plans that facilities may have prepared to comply with various regulations into one functional emergency response plan or integrated contingency plan. The notice and subsequent correction contains the suggested ICP outline as well as guidance on how to develop an ICP and demonstrate compliance with various regulatory requirements.

Section 112(r) of the Clean Air Act required the President to conduct a review of federal release prevention, mitigation, and response authorities. Delegated to EPA in coordination with agencies and departments that are members of the NRT (including the Department of Energy), the review concluded that, while achieving its statutory goals to protect public safety and the environment, the current system is complex, confusing, and costly. One issue identified by the Presidential review is the multiple and overlapping federal requirements for facility emergency response plans.

A number of statutes and regulations administered by several federal agencies include requirements for emergency response planning. A particular DOE facility may be subject to one or more of the following federal regulations:

- EPA Oil Pollution Prevention Regulation (Spill Prevention Control and Countermeasures Program) and Facility Response Plan Requirements--40 CFR Part 112.7 (d) and 112.20-21;
- Department of Interior, Mineral Management Service, Facility Response Plan Regulation--30 CFR Part 254;
- Department of Transportation, Research and Special Programs Administration, Pipeline Response Plan Regulation--49 CFR Part 194;
- U.S. Coast Guard Facility Response Plan Regulation--33 CFR Part 154, Subpart F;
- EPA Risk Management Programs Regulation--40 CFR Part 68;

- Occupational Safety and Health Administration (OSHA) Emergency Action Plan Regulation--29 CFR 1910.38(a);
- OSHA Process Safety Standard--29 CFR 1910.119;
- OSHA HAZWOPER Regulation--29 CFR 1910.120; and
- EPA Resource Conservation and Recovery Act Contingency Planning Requirements--40 CFR Part 264, Subpart D, 40 CFR Part 265, Subpart D, and 40 CFR 279.52.

Facilities are encouraged to coordinate development of their ICP with relevant state and local agencies to ensure compliance with any additional regulatory requirements.

Individual agencies' planning requirements and plan review procedures are not changed by the ICP format option. Adherence to this guidance is not required in order to comply with federal regulatory requirements; however, the NRT believes that an integrated plan prepared in accordance with the subject guidance is a preferable alternative. The NRT anticipates that future development of all federal regulations addressing emergency response planning will incorporate use of the ICP guidance. Also, developers of state and local requirements will be encouraged to be consistent with this document.

The ICP is intended to minimize duplication of effort in preparation and use of emergency response plans at the same facility and to improve the economic efficiency for both the regulated and regulating communities. The adoption of a standard plan format should facilitate integration of plans within a facility, in the event that large facilities may need to prepare separate plans for distinct operating units.

FOR MORE
INFORMATION

Copies of the NRT's ICP guidance are available by calling the EPA's EPCRA/RCRA/Superfund Hotline at (800) 424-9346 (in the Washington, D.C. metropolitan area (703) 412-9810). The guidance is also available electronically at the home page of the EPA Chemical Emergency Preparedness and Prevention Office (<http://www.epa.gov/swercepp/>).

If you have any questions regarding the subject NRT Integrated Contingency Plan guidance, please contact Katherine Nakata of my staff by....
calling (202) 586-0801
faxing messages to (202) 586-3915
communicating electronically, via the Internet, to
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Remedial Action Program Information Center
Center for Environmental Management Information